

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CR No. 05-1849 JH

DANA JARVIS,

Defendant.

NOTICE OF NON-AVAILABILITY

Jody Neal-Post, co-counsel for Defendant Dana Jarvis, hereby gives notice of her non-availability from Thursday October 16, 2008 through Monday October 27, 2008, to assist her family in Los Angeles in tending to the affairs of her sister who died July 18, 2008.

Respectfully submitted by:

Electronically Filed

/s/

September 10, 2008

By _____

Jody Neal-Post, Esq.

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Albuquerque, NM 87106

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I hereby certify that a true and correct copy of the foregoing pleading was delivered to opposing counsel via the CM/ECF system this 10th of September, 2008.

Electronically Filed

Jody Neal-Post